IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 30126 of 2006(J)

PETITIONER:

PRINCIPAL, BISHOP MOORE COLLEGE,
MAVELIKKARA-690 110.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE
EDUCATION, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOLLAM.

4. KERALA UNIVERSITY, THIRUVANANTHAPURAM
REPRESENTED BY ITS REGISTRAR.

R1 TO R3 BY GOVT.PLEADER SRI. T.T. MUHAMMED.
R4 BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/01/2007, ALONG WITH WPC NO. 30163 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 30126/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : PHOTOCOPY OF THE STATEMENT FOR RE-ASSESSMENT OF WORKLOAD ISSUED BY THE ADDL.DIRECTOR OF COLLEGIATE EDUCATION.

EXT. P2 : PHOTO COPY OF THE STATEMENT SHOWING THE VACANCY POSITION OF PETITIONER'S COLLEGE AS ON DATE.

EXT. P3 : A COPY OF THE JUDGMENT DATED 2.6.2005 IN WP(C) 16588.

EXT. P4 : A COPY OF THE ORDER DATD 5.8.2005 ISSUED BY THE GOVERNEMNT.

EXT. P5 : TRUE COPY OF THE REPRESENTATION DATED 5.4.2006 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT. P6 : TRUE COPY OF G.O.(MS) 95/2006/H.EDN. DATED 10.8.2006 ISSUED BY THE GOVERNEMNT.

EXT. P7 : TRUE COPY OF THE SAID LETTER DATED 18.4.2006 SENT BY THE EDUCATION SECRETARY, MINISTRY OF HUMAN RESOURCES DEVELOPMENT TO THE GOVERNMENT.

K.M.JOSEPH, J.

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WP.(C) Nos.30126 &30163 OF 2006

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Dated this the 12th day of January, 2007

JUDGMENT

Common questions arise in these writ petitions and they are being disposed of by a common judgment.

2. Petitioner challenges Ext.P6 in W.P.(C) 30126 of 2006, which is produced as Ext.P8 in the other case. By Ext.P6 apparently in the wake of the amendment to the University Act Government ordered as follows:

> "It is therefore necessary for the Director of Collegiate Education to workout the details as above for each Aided Private College and place it before the Committee. The recommendation of the Committee will be considered by the Government and formal orders issued in each case allowing the Management to fill up specified vacancies in specified disciplines.
>
> Naturally, until the above procedure is completed, no new appointments of teachers can be done in any Aided College in Kerala. The Managements will have to engage Guest Lecturers till formal orders are issued allowing them to fill up specified vacancies. In colleges where there was

> no Pre-degree delinking, the proposals can be easily considered by the Committee and recommendations given to the Government.
>
> In view of the above, till such time as formal Government orders are issued specifying the number of vacancies and the discipline in which such Private Aided College is allowed to fill up vacancies, there is no need to hold selection Committee meetings by the Managements. Accordingly, Government are pleased to order that no nominees are permitted as Government representatives to the teachers Selection Committees of any Aided College until a formal order is issued to fill up specified vacancies in a College.
>
> The Universities are also advised not to nominate their representative to such selection Committees until formal orders for filling up vacancies of teachers are issued by the Government."

It is pointed out by the learned counsel for the petitioners that the Committee was appointed as early as on 17.8.2004 and it is pointed out that there is absolutely no justification in delaying the matter. In the petition, vacancies are pointed out. It is stated further that the interests of the students are deeply jeopardised by not permitting appointments

to be made on the basis of the impugned orders. It is also pointed out that it is come up for adverse comments at the hands of the Accreditation Committee, Ext.P13 in W.P.(C) 30163 of 2006.

3. Heard learned Government Pleader also. Learned counsel for the petitioners submits that atleast a time limit should be fixed within which the entire exercise should be completed and the petitioners should be left free to make appointments against the vacancies on the basis of the findings of the Committee. Learned Government Pleader was asked to ascertain as to within what time the entire process should be completed and orders could be issued in respect of the petitioners' institution, so that the petitioners could be permitted to proceed to make appointments. Learned Government Pleader on instruction submits that report of the Committee will be finalised within one month from today and it will be placed before the Council of Ministers within one month thereafter and that the entire process will be completed within two months as far as the petitioners are concerned. He would further seek for a period of one month for the authorities to pass orders in the petitioners' case to finalise the proposal in respect of the

petitioners' College within a period of one month. Therefore it is submitted that within a period of three months from today, the petitioners would be in a position to make appointment in respect of the vacancies. In other words, it is submitted that the entire process will be completed in so far as petitioners are concerned within a period of three months from today. This is recorded.

The writ petitions are disposed of as above.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.